

Appl. No. 10/037,977
Amdt. Dated June 27, 2005
Reply to Office Action of April 5, 2005

Please ENTER
SKW 7/28/05

REMARKS

Claims 46-48 and 50-56 are currently pending in this application. In light of the comments presented below, reconsideration and allowance of the claims of this application are respectfully requested.

Applicants would like to thank Examiner Webb for her time and consideration extended to Applicant's representative, Christopher Trainor, Esq., during the telephone interviews conducted on May 5, 2005 and June 8, 2005. During the interviews, the issue of whether the Office Action was properly made final was discussed. Mr. Trainor pointed out to Examiner Webb that the only amendment to the claims in the Amendment filed March 4, 2005 was to correct a typographical error in Claim 46. Since the amendment did not necessitate the new grounds of rejection in the Office Action mailed April 5, 2005, Mr. Trainor argued that the finality of the Office Action was improper. Examiner Webb agreed that the finality of the rejection was improper and agreed to withdraw the finality upon filing of these Remarks.

In the Office Action, Claims 46-48, 50-53, 55 and 56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,880,015 ("Nierman") in view of U.S. Patent No. 5,235,966 ("Jamner"). Nierman discloses biopsy forceps 40 shown in FIGS. 5 and 6, reproduced below, for use through a flexible fiberoptic bronchoscope. Forceps 40 includes a handle 44 having an angle control 42, a flexible metal shaft 45, forceps cups 46, and wires 47 and 48. Wire 47 is connected at one end to biopsy cups 46. The other end of wire 47 is connected to a sliding outer plastic grip 43 of handle 44 to control opening and closing of cups 46. Wire 48 is